

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

CARL JEROME HOLMES, :
Petitioner, :
vs. : 7:04-CV-125(HL)
B. G. COMPTON, Warden, :
Respondent. :

O R D E R

Presently pending is the motion of the Attorney General for the State of Georgia, in which he seeks to be allowed to intervene as a respondent in this § 2254 habeas corpus petition.¹ Petitioner has filed no objection to this motion. As set out in movant's motion and brief, the petitioner is presently incarcerated in a Federal prison in the State of Virginia but is attacking judgments of conviction in Georgia courts.

Rule 2(b) of the Rules Governing Section 2254 Cases in the United States District Courts provides that,

If the applicant is not presently in custody pursuant to the state judgment against which he seeks relief but may be subject to such custody in the future, the application shall be in the form of a petition for a writ of habeas corpus with an added prayer for appropriate relief against the judgment which he seeks to attack. In such a case the officer having present custody of the applicant and the attorney general of the state in which the judgment which he seeks to attack was entered shall each be named as respondents.

(Emphasis added).

¹Although the Attorney General is clearly the movant, the motion also prays that James E. Donald, Commissioner of the Georgia Department of Corrections, be named as a respondent. However, as shown above the state Attorney General is the appropriate respondent.

The above being the case and there being no objection to the motion, the same is hereby
GRANTED. The Attorney General for the State of Georgia is hereby made a respondent in this
matter.

SO ORDERED, this 31st day of May 2005.

RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE